

REMARKS

Claims 30, 31, and 34-43 are presently pending. Claims 30, 31, and 34-42 stand rejected. Claims 1-29, 32 and 34 have been cancelled without prejudice. Claim 43 is added.

Claim 30 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Husain et al. (USPN 6,978,390, “Husain”) in view of Miettinen (USPN 7,352,999, “Miettinen”) and Davis (USPN 5,867,793, “Davis”). Claim 30 is amended to recite, among other limitations, “wherein the mobile terminal is operable to detect a command preceding an audio signal and operable to record the account information after detecting the command, wherein the command is transmitted wirelessly from a location that is remote from the mobile terminal”.

Examiner has indicated that Miettinen teaches “wherein the mobile terminal receives commands that are transmitted wirelessly (Col. 7, lines 5-39 & Col. 9 line 55-58) and cause the mobile terminal to perform a predetermined operation. (Col 10, lines 7-10)”. Assignee respectfully submits that although the foregoing citations describe that “The terminal can receive the *information* in any of a number of different manners, such as via radio frequency transfer”, the foregoing do not teach “wherein the *command* is transmitted wirelessly”.

Examiner has also indicated that “Miettinen teaches a dual mode mobile terminal (Fig. 2) that includes a transmitter ... a receiver ... RF, IR, and Bluetooth transceivers ... for sending and receiving commands (i.e., interrogations signals) wirelessly. However, Miettinen teaches that “the predefined distance between the signaling tag and the transceiver is typically short”. Accordingly, Assignee has amended claims 30 to recite, “wherein the command is transmitted wirelessly *from a location that is remote from the mobile terminal*”. Assignee respectfully submits that Miettinen does not teach the foregoing. Additionally, there is no such teaching in Husain or Davis, as well.

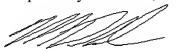
Accordingly, Assignee respectfully requests that Examiner withdraw the rejection to claims 30, 31, 34-36, and 43.

Conclusion

For the foregoing reasons, each of the pending claims is allowable making the application in a condition for allowance. A notice of allowance is respectfully requested. It is believed that no fee is due, however, to the extent that any fee is due, the Commissioner is hereby authorized to charge such fee to charge account 13-0017.

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Respectfully submitted,



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